

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 19, 1998

H016908 PEOPLE v. CLARK

By the Court*:

Appellant's petition for rehearing is denied.

Dated October 19, 1998 Premo, Acting P.J.

*Before Premo, Acting P.J., Elia, J., and Wunderlich, J.

H015970 PEOPLE v. CRIPPEN

The judgment is affirmed. (not published)

(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)

Filed October 19, 1998

H018029 IN RE RUFUS C., A MINOR

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)

Filed October 19, 1998

H017852 GOTTSCHALKS, INC. v. QUIGLEY

The order granting respondent's petition for injunction prohibiting harassment of employee is affirmed. The matter is remanded to allow the superior court to correct the order after hearing on petition for injunction prohibiting harassment of employee to accurately reflect the court's oral pronouncement of ruling at the hearing. The parties shall bear their own costs on appeal. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)

Filed October 19, 1998

H017486 PEOPLE v. BROWN

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed October 19, 1998

H017473 JANE H. THOMPSON v. W. SPENCER THOMPSON

By the Court*:

Appellant's petition for rehearing is denied.

Dated October 19, 1998 Cottle, P.J.

*Before Cottle, P.J., Bamattre-Manoukian, J., and Mihara, J.,

TUESDAY, OCTOBER 20, 1998

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and R. W. Norvelle, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, October 20, 1998 (continued)

H016781 PEOPLE v. GARR

Cause called and argued by Dorthy Gustafson appearing for appellant and by Ross C. Moody, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017031 PEOPLE v. MOLLOY

Cause called and argued by Eric Liberman appearing for appellant and by Donna McIntosh, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017594 PEOPLE v. WALLACE

Cause called and argued by Susan Shors appearing for appellant and by Christopher J. Wei, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016856 PEOPLE v. TWILLIGEAR

Cause called and argued by Janice Lagerlof appearing for appellant and by Raymond A. Cardozo, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

Bamattre-Manoukian, J., leaves the bench and Wunderlich, J., takes the bench.

H017345 PEOPLE v. MORRISSEY

H017913 PEOPLE v. MORRISSEY

Cause called and argued by Ismael Perez appearing for appellant and by Raymond A. Cardozo, Deputy Attorney General, appearing for respondent. Cause ordered submitted. Counsel for the appellant makes a motion for stay of execution. The court takes the request under submission. Court recesses until 1:30 p.m.

The Court reconvenes in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J., Mihara, J.; and Judy Son, Deputy Clerk.

H017204 PEOPLE v. TAVAR M., A MINOR

Cause called and argued by Meredith Fahn appearing for appellant and by Jill M. Thayer, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017678 DEPT. OF FAMILY & CHILDREN'S SERVICES v. Carol P.

Cause called and argued by Lori Quick appearing for appellant, and by Jan Burland, Deputy County Counsel, appearing for respondent and by Robert J. Masterson, Deputy District Attorney, appearing for respondent minor. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, October 20, 1998 (continued)

H018984 VALORIE R., et al. v. SUPERIOR COURT OF SANTA CRUZ
COUNTY; STA. CRUZ COUNTY HUMAN RESOURCES AGENCY, et al.

Cause called and argued by Valorie R. and Tore D.,
petitioners in propria persona, and by Dana McRae, Deputy County
Counsel, appearing for real party in interest. Cause ordered
submitted.

H017667 LELAND RICHARD DAHILL v. D.M.V.

Cause called and argued by Arthur Dudley appearing for
appellant and by Judith J. Loach, Deputy Attorney General,
appearing for respondent. Cause ordered submitted.

H017498 COLLIER, et al. v. HOVDE

Cause called and argued by Erik F. Hartman appearing for
appellants and by Basil Plastiras appearing for respondent.
Cause ordered submitted. Court is adjourned.

H018586 PEOPLE v. AGASINO

The judgment is affirmed. Counsel's motion to withdraw as
attorney of record is denied as of the filing of this opinion.
(not published)
(Premo, J.; We concur: Cottle, P.J., Elia, J.)
Filed October 20, 1998

H016602 PEOPLE v. MORA

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed October 20, 1998

H018643 PEOPLE v. RICARDO R., A MINOR

The judgment is affirmed. Appellate counsel's motion to
withdraw is denied. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed October 20, 1998

H018402 PEOPLE v. ARREDONDO

The count 2 conviction is reversed. The abstract of
judgment is ordered amended to reflect defendant's conviction and
sentence on count 1 only. (not published)
(Premo, J.; We concur: Cottle, P.J., Elia, J.)
Filed October 20, 1998

H017268 PEOPLE v. RODRIGUEZ

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed October 20, 1998

Sixth Appellate District

San Jose, California

Tuesday, October 20, 1998 (continued)

H016843 AURAN v. LOCKHEED MISSILES & SPACE CO.

H017282 AURAN v. LOCKHEED MISSILES & SPACE CO.

The trial court's order granting summary judgment in favor of Lockheed is affirmed. The trial court's order awarding costs to Lockheed is reversed and the matter is remanded for reconsideration of the amount of the cost award consistent with the views expressed in this opinion. The parties shall bear their own costs on appeal. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed October 20, 1998

H017208 PEOPLE v. MORA

The judgment is affirmed. (not published)

(Cottle, P.J.; We concur: Premo, J., Elia, J.)

Filed October 20, 1998

H017868 PEOPLE v. FISHER

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed October 20, 1998

WEDNESDAY, OCTOBER 21, 1998

H017748 PEOPLE v. WILLIAMS

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed October 21, 1998

H017010 MARVIN STONE, et al. v. BOB SEIDMAN, et al.

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed October 21, 1998

H017207 PEOPLE v. NGUYEN

The sentence on count 2 is ordered stayed. The abstract of judgment is ordered amended to so reflect. In all other respects, the judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed October 21, 1998

Sixth Appellate District

San Jose, California

THURSDAY, OCTOBER 22, 1998

H017598 WANG, et al. v. WILSON, SONSINI, GOODRICH & ROSATI, et al.

Our review is limited to the facts before the trial court at the time the court granted the section 473 motion. The only inquiry is whether that ruling is supported by substantial evidence, and it is. For this reason the judgment is affirmed. This affirmance is without prejudice as to any other remedies appellants may have. Costs to respondents. (not published) (Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed October 22, 1998

H017055 WILTRON COMPANY, et al. v. BANK OF THE WEST, et al.

The judgment is reversed. Costs to appellants. (not published) (Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed October 22, 1998

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and Lori Hazelip, Deputy Clerk.

H016437 PEOPLE v. PIERCE, et al.

Cause called and argued by Arthur Dudley appearing for appellant and by Lisa H. Ashley, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016633 PEOPLE v. ATONDO, et al.

Cause called and argued by Michael Kresser appearing for Edward Atondo and by Michael Thorman for Judy Atondo and by Sharon Birenbaum, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H018225 CITY OF SAN JOSE v. SUPERIOR COURT; ETI

Cause called and argued by George Rios, Deputy City Attorney, appearing for petitioner. Jeremy D. Blank, Deputy Public Defender, did not appear for real party in interest. Cause ordered submitted.

H018382 FILICE v. SUPERIOR COURT; WELKER

Cause called and argued by John A. Colistra and Timothy Moore appearing for Petitioner and by Nancie Yomtov appearing for real party in interest. Cause ordered submitted.

H016814 AIASSA, et al. v. CHANG, et al.

Cause called and argued by Gary W. Sullivan appearing for appellants and by Jess F. Ruiz appearing for respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

October 22, 1998 (continued)

H017321 BURKE, et al. v. TOWN OF LOS GATOS

Cause called and argued by Jeffrey S. Lawson appearing for appellants and by Mike Porrazzo appearing for respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and W. Magsaysay, Deputy Clerk.

H017242 PEOPLE v. GASTELUM

Cause called and argued by Karen Landau appearing for appellant and by Christina V. Kuo, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016488 PEOPLE v. PARHAM

H018167 In re BARRY O. PARHAM on Habeas Corpus

Cause called and argued by Ann Vandepol appearing for appellant and petitioner. Catherine A. Rivlin, Deputy Attorney General, appears for respondent. Cause ordered submitted.

H016445 PEOPLE v. McCORD

H017763 In re MICHAEL A. McCORD on Habeas Corpus

Cause called and argued by Robert Riggs appearing for appellant and petitioner. Frances Marie Dogan, Deputy Attorney General, appears for respondent. Cause ordered submitted.

H016749 TAUB v. ANDERSON

Cause called and argued by Buffy Lyn Roney appearing for appellant and by Bradford Hinshaw appearing for respondent. Cause ordered submitted.

H017149 OLIVER v. BRADSHAW

Cause called and argued by Julian T. Lastowski appearing for appellant and by Peter Hoss appearing for respondent. Cause ordered submitted. Court is adjourned.

H017782 IN RE VERONICA G., a Person Coming Under the Juvenile Court Law

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed October 22, 1998

Sixth Appellate District

San Jose, California

Thursday, October 22, 1998 (continued)

H017132 PEOPLE v. MORENO

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed October 22, 1998

FRIDAY, OCTOBER 23, 1998

H016022 MEISTER v. REGENTS OF THE UNIVERSITY OF CALIFORNIA, et
al.

The judgment is affirmed. (published)
(Mihara, Acting P.J.; We concur: Cottle, P.J., Bamattre-
Manoukian, J.)
Filed October 23, 1998

H016890 PEOPLE v. GONZALES

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed October 23, 1998

H018076 PEOPLE v. MORGAN

The judgment is affirmed. Counsel's motion to withdraw as
attorney of record is denied. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Mihara, J.)
Filed October 23, 1998

H016786 IN RE GEORGE H., A MINOR

The matter is remanded for the purpose of striking the
section 186.22, subdivision (b) enhancement on all counts and
staying imposition of sentence on either count 12, the robbery of
Davis, or count 15, the assault on Davis. The juvenile court is
ordered to prepare an amended commitment to the California Youth
Authority indicating the new maximum confinement time and forward
a copy to that department. In all other respects, the judgment
is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed October 23, 1998

H017610 GARZA, et al. v. CITY OF SALINAS, et al.

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed October 23, 1998

Sixth Appellate District

San Jose, California

Friday, October 23, 1998 (continued)

H017986 SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S
SERVICES v. GLORIA V.

The juvenile court's order filed December 11, 1997 denying
the mother's section 388 petition, terminating parental rights
and selecting a permanent plan of adoption, is affirmed. (not
published)

(Cottle, P.J.; We concur: Premo, J., Elia, J.)
Filed October 23, 1998

H017594 PEOPLE v. WALLACE

The judgment is vacated and the case is remanded to the
trial court " ' . . . to permit it to resentence defendant with an
accurate view of its powers.' (Citation)" (People v. Metcalf,
supra, 47 Cal.App.4th at p.251.) (not published)

(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed October 23, 1998

H016781 PEOPLE v. GARR

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)
Filed October 23, 1998

H017450 PEOPLE v. ENZOR

The judgment is affirmed. (not published)
(Elia, J.; We concur: Cottle, P.J., Premo, J.)
Filed October 23, 1998